

APPEAL NO. 010142

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on December 13, 2000, the hearing officer determined that the appellant (claimant) sustained an injury in the course and scope of his employment on _____; that he did not timely report the injury and did not have good cause for his untimely reporting; and that because his injury is not compensable, he did not have disability. The claimant has requested review of the good cause and disability determinations. The respondent (carrier) urges in reply that the evidence is sufficient to support the challenged determinations. The claimant, who, apparently, has a new address, also filed a request for a personal hearing in order to "present material concerning this matter." This document was not timely filed as an appeal.

DECISION

Affirmed.

The claimant testified that he injured his back on or about _____; that he first sought medical treatment on November 29, 1999; that on November 30, 1999, he took his doctor's light-duty restriction slip to Ms. S, a manager, and told her about his injuring his back while working during the week of _____. He stated that he worked from after the injury through November 29, 1999, without complaining of his back. When asked why he delayed reporting the injury until after seeing his doctor, the claimant stated: "I've always felt like workers' comp was taboo to me. I saw how other people were treated after they had filed a workers' comp claim." Ms. S testified that after learning of the claimant's injury on December 2, 1999, she contacted the claimant's immediate and secondary supervisors and they were unaware of the claimant's having sustained the claimed injury.

Section 409.001 provides, in part, that an employee shall notify the employer of an injury not later than the 30th day after the date on which the injury occurs and Section 409.002 provides in part that failure to notify an employer as required by Section 409.001(a) relieves the employer and the employer's insurance carrier of liability unless the Texas Workers' Compensation Commission determines that good cause exists for failure to provide notice in a timely manner. The Appeals Panel has held that fear of job loss does not compel a finding of good cause. See, e.g., Texas Workers' Compensation Commission Appeal No. 94220, decided April 7, 1994; Texas Workers' Compensation Commission Appeal No. 941312, decided November 14, 1994. We are satisfied that the challenged determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge